

REMARKS

The Examiner rejected claims 1, 2, 4, 6, 7, 9, 10, 12, and 14, while withdrawing claims 3, 5, 11, 13, and 15-32 from consideration. Thus, claims 1-7 and 9-32 remain pending.

Claims 1, 6, 9, and 14 have been amended herein to recite that the polypeptide comprises a human mu1 opioid receptor sequence and lacks the amino acid sequence set forth in SEQ ID NO:16. In addition, claims 6 and 7 have been amended herein to indicate that an intended use for the recited isolated nucleic acid molecules is for amplifying nucleic acid encoding a mu3 opiate receptor sequence. Applicants' specification fully supports these amendments. For example, the paragraph starting on page 28, line 7 discloses that sequence analysis "revealed a new splice variant that replaces the last 12 amino acid residues of the human mu1 opioid receptor with 26 different amino acid residues." The last 12 amino acid residues of the human mu1 opioid receptor are set forth in SEQ ID NO:16. *See*, page 28, line 9-12. In addition, Example 2 starting on page 36, line 1 discloses using PCR primers to amplify nucleic acid encoding mu3 opiate receptor sequences. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1, 2, 4, 6, 7, 9, 10, 12, and 14.

Examiner Interview

Applicants' attorney thanks Examiner Landsman for the courtesy of the telephonic interview on October 6, 2005. The substance of this telephonic interview involved the issues, amendments, and arguments presented herein.

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 1, 2, 4, 6, 7, 9, 10, 12, and 14 under 35 U.S.C. § 112, first paragraph, as allegedly lacking an enabling disclosure for the reasons of record. The Examiner also rejected claims 1, 2, 4, 6, 7, 9, 10, 12, and 14 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description for the reasons of record. In addition, the Examiner

rejected claims 7 and 8 under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter for the reasons of record.

Applicants respectfully disagree. Applicants' specification fully enables a person having ordinary skill in the art to make and use the previously claimed subject matter without undue experimentation. Applicants' specification also adequately describes the previously claimed subject matter. To further prosecution, however, claims 1, 6, 9, and 14 have been amended herein to recite that the polypeptide comprises a human mu1 opioid receptor sequence and lacks the amino acid sequence set forth in SEQ ID NO:16.

With respect to the new matter rejection, Applicants note that claim 8 has been previously cancelled without prejudice and claim 7 has been amended herein to recite an isolated nucleic acid molecule for amplifying nucleic acid encoding a mu3 opiate receptor sequence, wherein the isolated nucleic acid molecule comprises the recited sequence.

In light of the above, Applicants respectfully request withdrawal of this rejection of claims 1, 2, 4, 6, 7, 9, 10, 12, and 14 under 35 U.S.C. § 112, first paragraph.

CONCLUSION

Applicants submit that claims 1, 2, 4, 6, 7, 9, 10, 12, and 14 are in condition for allowance, which action is requested. The Examiner is invited to call the undersigned attorney at

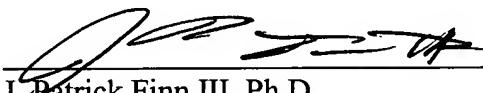
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the telephone number below if such will advance prosecution of this application. The Commissioner is authorized to charge any fees or credit any overpayments to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 6, 2005


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